

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Certificate of Notice  
Caption in Compliance with D.N.J. LBR 9004-2(c)



Order Filed on October 24, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

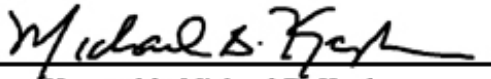
In Re:  
Douglas Benecke and Jody Benecke

Case No.: 17-35282  
Adv. No.:  
Hearing Date: 10/20/20  
Judge: Michael B. Kaplan

**ORDER AUTHORIZING SALE OF REAL PROPERTY**

The relief set forth on the following page is hereby **ORDERED**.

DATED: October 24, 2020

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

JAMES J. CERBONE ESQUIRE-4036  
2430 HIHWAY 34  
BUILDING B SUITE 22  
WALL, NEW JERSEY, 08736  
(732) 681-6800  
Attorney for debtor

In Re:

DOUGLAS & JODY BENECKE

Case No.: \_17-35282\_\_\_\_\_

Hearing Date:  
\_\_10/20/2020\_\_\_\_\_

Chapter:  
\_\_13\_\_\_\_\_

Judge: \_\_MBK\_\_

**ORDER AUTHORIZING  
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) and three (3) is  
**ORDERED.**

After review of the Debtor's motion for authorization to sell the real property commonly known as \_\_\_\_31 Clover Hill Dr Jackson, NJ 08527\_\_\_\_, New Jersey (the Real Property).

**IT IS** hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Michael Gutman, Esq	Name of professional: Mindy Hughes
Amount to be paid: \$1750.00	Amount to be paid: \$9780.00
Services rendered: Attorney for Debtor	Services rendered: Listing Agent
Name of professional: David Lunczer	
Amount to be paid: \$9380.00.00	
Services rendered: Realtor	

**OR:** ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 47,350.00 claimed as exempt may be paid to the Debtor.

6. The ☒ *balance of proceeds* or the ☐ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☒ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

In re:  
Douglas Benecke  
Jody Benecke  
Debtor(s)

Case No. 17-35282-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin

Page 1 of 2

Date Rcvd: Oct 26, 2020

Form ID: pdf903

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Douglas Benecke, Jody Benecke, 31 Clover Hill Drive, Jackson, NJ 08527-1650

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
jdb	*+	Jody Benecke, 31 Clover Hill Drive, Jackson, NJ 08527-1650

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2020 at the address(es) listed below:

Name	Email Address
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
James J. Cerbone	on behalf of Debtor Douglas Benecke cerbonelawfirm@aol.com cerbonejr83307@notify.bestcase.com

District/off: 0312-3

User: admin

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Date Rcvd: Oct 26, 2020

Form ID: pdf903

Total Noticed: 1

James J. Cerbone

on behalf of Joint Debtor Jody Benecke carbonelawfirm@aol.com cerbonejr83307@notify.bestcase.com

John R. Morton, Jr.

on behalf of Creditor Ally Capital ecfmail@mortoncraig.com mortoncraigecef@gmail.com

John R. Morton, Jr.

on behalf of Creditor Ally Financial ecfmail@mortoncraig.com mortoncraigecef@gmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8